

**CALENDAR ITEM
C13**

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10/14/14
PRC 8559.1
M.J. Columbus

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Tahoe Marina Owners' Association

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 270 North Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, 10 mooring buoys, and one marker buoy previously authorized by the Commission; and use and maintenance of an existing storage building and one marker buoy not previously authorized by the Commission.

LEASE TERM:

10 years, beginning October 6, 2014.

CONSIDERATION:

\$5,878 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$2,000,000 per occurrence.

Other:

1. Buoy Allotment Program: The use of the buoy field will be made available to all members of Tahoe Marina Owners' Association (Association) in a fair and equitable manner. A buoy allotment program must be maintained during the lease term that will identify how the buoys will be managed, maintained, and distributed for use by the Association's members.
2. The proposed lease contains a provision requiring the Applicant to obtain authorization from the Tahoe Regional Planning Agency (TRPA)

CALENDAR ITEM NO. C13 (CONT'D)

for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. This is a continuation of the process the Commission used from approximately 1995 to October 2008 when TRPA adopted an FEIS and Ordinance Amendments supported by the FEIS. In September 2010, the U.S. District Court invalidated the FEIS and nullified the Amendments. When additional information is available, Commission staff will advise the Commission on any suggested modifications to the process used by the Commission pending resolution of the TRPA FEIS and amended ordinance issues.

3. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland parcels adjoining the lease premises.
2. On October 6, 2004, the Commission authorized a General Lease - Recreational Use to the Association. That lease expired on October 5, 2014. The Applicant is now applying for a new General Lease – Recreational Use.
3. The Association consists of 50 members. The mooring buoys are for the use of the members only; however, the pier is open to the public free of charge between the hours of 8:00 a.m. and 8:00 p.m. daily.
4. The storage building and one marker buoy have been in Lake Tahoe for many years, but were not previously authorized by the Commission. Staff recommends including the Applicant's storage building and one marker buoy as authorized improvements in the lease.
5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

CALENDAR ITEM NO. **C13** (CONT'D)

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Tahoe Marina Owners' Association beginning October 6, 2014, for a term of 10 years, for the continued use and maintenance of an existing pier, 10 mooring buoys, and one marker buoy previously authorized by the Commission, and use and maintenance of an existing storage building and one marker buoy not previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$5,878, with an annual Consumer Price Index adjustment as provided for in the lease; and liability insurance in an amount no less than \$2,000,000 per occurrence.

EXHIBIT A

PRC 8559.1

LAND DESCRIPTION

Thirteen (13) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 9 fractional Section 7, Township 15 North, Range 17 East, MDM., as shown on Official Government Township Plat approved November 9, 1866 County of Placer, State of California, and more particularly described as follows:

PARCEL 1 – MULTI-USE PIER

All those lands underlying an existing multi-use pier, two (2) catwalks, and one (1) storage building lying adjacent to that parcel as described in Exhibit "A" in that Individual Grant Deed recorded June 28, 2004 in Document 2004-0083448 and adjacent to that parcel in Exhibit "A" in that Individual Grant Deed recorded June 28, 2004 in Document 2004-0083449 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCELS 2-14 – BUOY FIELD (10 BUOYS & 2 MARKER BUOYS)

Twelve (12) circular parcels of land, being 50 feet in diameter, underlying twelve (12) existing buoys lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared June 25, 2014 by the California State Lands Commission Boundary Unit.



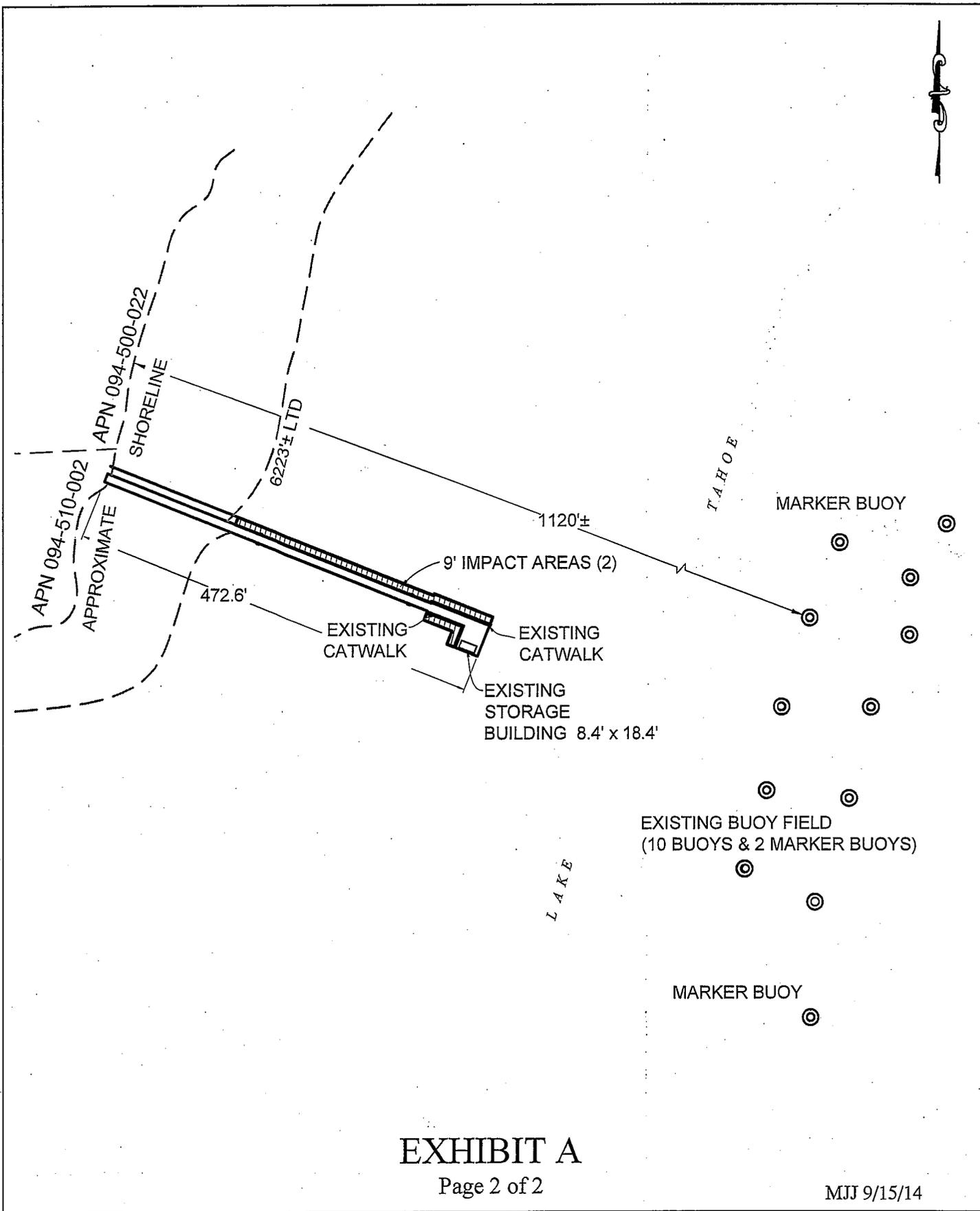


EXHIBIT A

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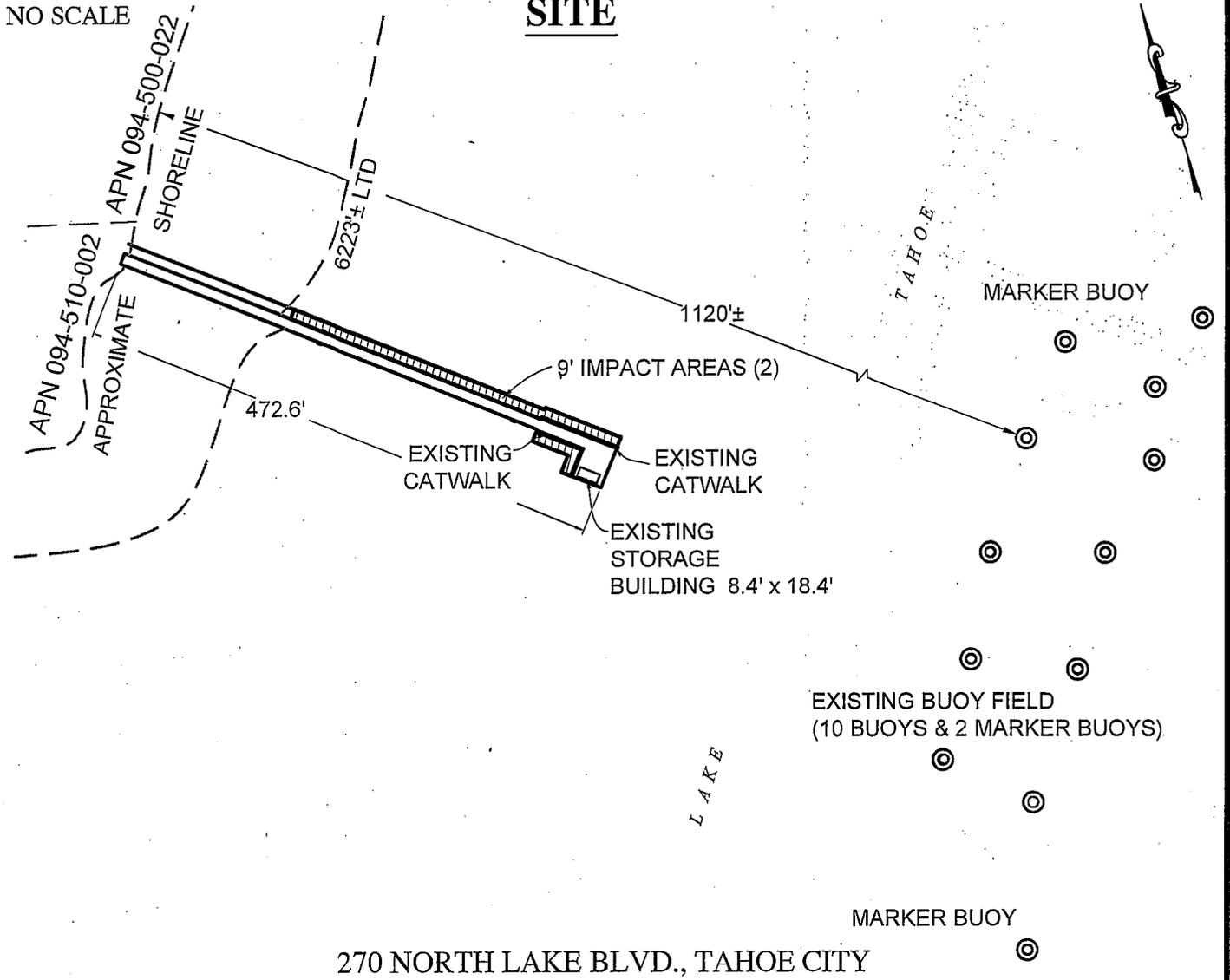
LAND DESCRIPTION PLAT
 PRC 8559.1
 TAHOE MARINA OWNERS' ASSOCIATION
 PLACER COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



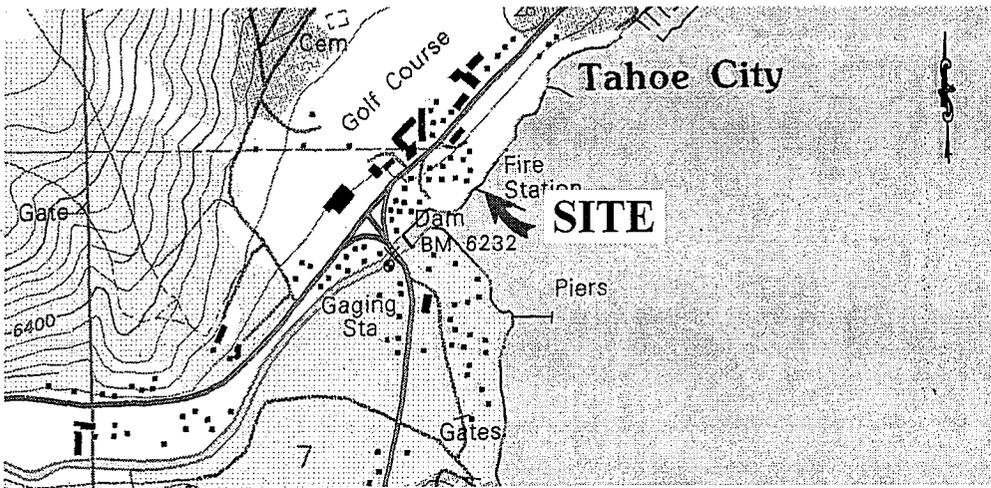
NO SCALE

SITE



NO SCALE

LOCATION

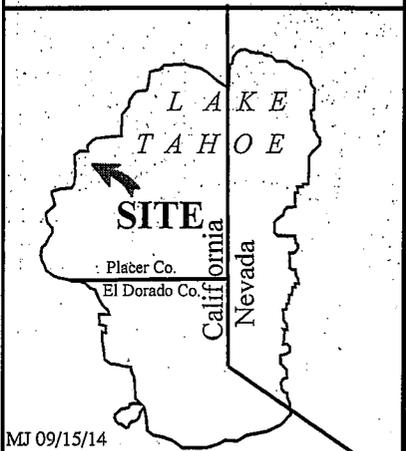


MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 8559.1
 TAHOE MARINA
 OWNERS' ASSOCIATION
 APN 094-510-002 & APN 094-500-022
 GENERAL LEASE-
 RECREATIONAL USE
 PLACER COUNTY



MO 09/15/14